

REMARKS

The applicant maintains that claim 13 is non-obvious over Goedicke in view of Bretez. Based on the further discussion and understanding of the secondary reference Bretez below, it should become clear why the asserted combination with Goedicke cannot support a 103 obviousness rejection.

The passage in Bretez on p. 5, l. 25-28 is referred to by the examiner to suggest that Bretez does teach the diffusion of an additional element into a zinc layer.

Attention is drawn however to the preceding sentence which describes the scope of the Bretez-invention :

“...the invention relates to any product covered in this way with a mineral compound projected on a zinc layer still in a molten state and heated very rapidly by infrared or laser radiation in order to obtain the melting and its spreading out as a surface layer on the zinc.”

Subsequently, iron is mentioned as a possible ‘mineral compound’ which diffuses into the zinc over a small distance. Clearly, this distance must be small enough so that the result can still be regarded as equivalent to the iron ‘spreading out as a surface layer on the zinc’. It is maintained therefore that Bretez teaches away from a deliberate diffusion of an additional metallic element into a zinc layer.

A point which has however not sufficiently been highlighted so far, is the following : as stated in the above cited sentence from Bretez, this document is related to the application of a compound onto a zinc layer while the zinc layer is still in a molten state.

According to the present invention, the second metallic element is deposited onto a metal-coated substrate, such as a galvanized substrate. To any person skilled in the art, a ‘galvanized substrate’ as used in paragraph [0001] of the present application, is limited to a substrate covered with a Zn-based coating in the solid state. Moreover, according to claim 1, the coated substrate is subjected to a plasma treatment prior to the addition of the additional metallic element, ‘for cleaning and activating the surface of the metallic

coating'. Clearly, such a cleaning and activation step cannot take place on a coating that is still in the liquid state. The description furthermore discloses that the plasma treatment preferably takes place under vacuum or low pressure. This would be impossible if the Zn coating were still in the molten state.

In conclusion, Bretez is related only to the addition of a metallic element to a molten zinc coating. The diffusion of the element into the Zn coating is described as either non-existing or very limited. Even if the slight diffusion of Fe into the molten zinc coating were regarded as relevant, it must be concluded that such a slight diffusion of Fe into a liquid Zn-coating does not allow to conclude that a significant degree of diffusion would take place under high energy IR radiation, into a solid Zn based coating applied by CVD.

The applicant concludes that claim 13 and all claims dependent thereon, are non-obvious over the available art, and that the remaining 103 rejection must be withdrawn .due to the fact the fair reading of Bretez would teach away from the consideration with Goedicke, for the reasons discussed above.

As claim 13 should be patentable, the remaining dependent claims are patentable for at least the same reason. Further references cited in some of the rejections against certain dependent claims do not overcome the deficiency of the Goedicke and Bretez base combination. Removal of these rejections is thus solicited.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In re Appln. Of: Marijke De Meyer et al.
Application No.: 10/565,097

Extension of Time and Fee Deficiency

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time. If any additional fee is required, or any overpayment is made, in connection with this communication please charge or credit deposit account No. 50-3505.

Respectfully submitted,

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